

REMARKS

Claims 1-8, 17-18 and 28-48 are currently pending in the application. The Office Action Summary that accompanied the Restriction Requirement mailed by the PTO on March 18, 2009, incorrectly indicates that claims 1-48 are pending. Clarification is therefore respectfully requested.

The present election in response to the Restriction Requirement is made with partial traverse, as also noted above. Specifically, (i) reconsideration of the restriction amongst Groups 1-6 in view of the present Remarks, and (ii) rejoinder of non-elected Groups 1 and 3-6 to the presently elected Group 2, are respectfully requested so that claims 1-8 and 28-37 may be properly considered.

As disclosed in the specification and recited in the claims, the presently encompassed subject matter is directed in pertinent part to a polyvalent multimeric complex comprising a plurality of chimeric pRNA monomers, each of said chimeric pRNA monomers independently comprising a heterologous component. Applicants submit that the PTO has failed to interpret the claims properly, and in so doing has misstated what is the “special technical feature” that links the subject matter of the instant claims.

According to the M.P.E.P., claims must be given their broadest reasonable interpretation (M.P.E.P. §2111), and should be interpreted “in light of the specification as it would be interpreted by one of ordinary skill in the art” (*In re Am. Acad. of Sci. Tech. Ctr.* 367 F.3d 1359, 1364). Moreover, it is axiomatic that for a claim to be interpreted properly, the encompassed subject matter must be considered as a whole. See *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct 1727, 1734, 182 USPQ2d 1385 (2007). By asserting, in the Restriction Requirement, that each of Groups 1-6 relates to a polyvalent multimeric complex comprising a plurality of chimeric pRNA monomers that must be restricted to a single disclosed category of “heterologous component” (e.g., siRNA in Group 2, ribozyme in Group 1, RNA aptamer in Group 3, etc.), the PTO fails to interpret the claims in light of the specification, nor does the PTO properly consider the encompassed subject matter as a whole.

It is respectfully submitted that upon reconsideration of the Restriction Requirement in view of the teachings of the present application, the Examiner will recognize the express claim features that are common to Groups 1-6, namely, that what is claimed is a *complex* comprising *more than one* (*i.e.*, a plurality of) pRNA monomer, each of which monomers *independently* comprises a heterologous component.

The subject matter of Groups 1-6 thus shares the special technical feature of relating to a complex made up of multiple pRNA monomers that, as expressly recited by the claims, each independently comprise a heterologous component. In other words, *more than one* heterologous component is present, and by being *independently* selected, each heterologous component need not be of the same class but may instead be “the same or different” (*e.g.*, specification at paragraph 0008 of the published application), for instance, a complex in which one monomer comprises a heterologous component that is a therapeutic ribozyme or siRNA while another monomer *in the complex* comprises an RNA aptamer (*e.g.*, paragraphs 0105 and 0204) or other targeting agent (*e.g.*, paragraph 0106).

Accordingly it is submitted that by asserting in the present Restriction Requirement that the claimed subject matter must be limited to a single class of heterologous component, the PTO ignores the expressly recited special technical feature, shared by Groups 1-6, of a complex comprising multiple heterologous components that are independent of one another even with respect to the class of such components (*e.g.*, siRNA, ribozyme, RNA aptamer, etc.). Reconsideration of the Restriction Requirement of Groups 1-6 in view of 37 C.F.R. §1.475 is therefore requested.

Respectfully submitted,
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